THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.6949 of 2000

Date: 11.10.2007

Between:

1. The Superintendent Engineer, Tribal Welfare, Sector VIII, MVP Colony, Visakhapatnam and others.

.....PETITIONER(S)

a n d

1. Bandaru Demulu and another

.....RESPONDENT(S)

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.6949 of 2000

ORDER:

This writ petition is filed by the Superintending Engineer, Tribal Welfare, Sector VIII, MVP Colony, Visakhapatnam, and two others aggrieved by the Award in I.D.No.101 of 1997 dated 08.09.1999 wherein the I.D. was answered in favour of the first respondent workman directing the writ petitioners management to reinstate him with continuity of service but without back wages.

2. The case of the first respondent is that he was working as NMR Technical Works Inspector on daily wages from 14.4.1986 and the management without any just or reasonable cause dispensed with his services illegally and so he is entitled to be reinstated into service, because the procedure contemplated by Section 25 of the Industrial Disputes Act, 1947 (for short – 'the Act'), was not followed. On behalf of the writ petitioners, second petitioner filed his counter, which was adopted by the other petitioners.

3. In support of his case, first respondent examined himself as WW.1 and marked Exs.W.1 to Ex.W.6. On behalf of the writ petitioners, one witness was examined as MW.1 and Exs.M1 to M3 were marked. The Tribunal held that the evidence on record shows that the first respondent was working from 14.04.1986 to 17.06.1993 with the second respondent in an NMR post as admitted even by MW.1 and supported by documentary evidence Exs.W.1 to W.3, and as the termination order was given on

22.5.1993, terminating his services with effect from 17.06.1993, one month notice as contemplated by Section 25F(a) of the Act was not given and as compensation in lieu of notice was also not paid to him, his termination is liable to be set aside.

4. The finding of fact recorded by the Tribunal that the petitioner was working from 14.04.1986 to 17.06.1993 needs no interference in this writ petition because there is no material to show that the said finding is recorded without any material. So, I find no merit in this writ petition.

5. Hence, the petition is dismissed. No order as to costs.

11.10.2007

Cvrk